

All correspondence referring to announcements and subscription of Government Gazette must be addressed to its administration office. Literary publications will be advertised free of charge provided two copies are offered.

Toda a correspondência relativa a anúncios e à assinatura do Boletim Oficial deve ser dirigida à Administração da Imprensa Nacional. As publicações literárias de que se receberem dois exemplares anunciam-se gratuitamente.



SUBSCRIPTION RATES — ASSINATURA

	YEARLY (Annual)	HALF-YEARLY (Semestral)	QUARTERLY (Trimestral)
All 3 series (As 3 series)	Rs. 40/-	Rs. 24/-	Rs. 18/-
I Series	Rs. 20/-	Rs. 12/-	Rs. 9/-
II Series	Rs. 16/-	Rs. 10/-	Rs. 8/-
III Series	Rs. 20/-	Rs. 12/-	Rs. 9/-

Postage is to be added when delivered by mail —
Acréscio o porte quando remetido pelo correio

GOVERNMENT GAZETTE

BOLETIM OFICIAL

SUPPLEMENT (SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU
Legislature Department

July, 1964
No. LA/528

Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on the 15th July 1964, is hereby published for general information in pursuance of the provisions of rule 127 Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Agricultural
Tenancy Bill, 1964
(Bill No. 7 of 1964)

to provide for the Regulation of the terms with respect to agricultural lands in the territory of Goa, Daman and Diu and for connected therewith.
acted by the Legislative Assembly of Goa, Daman and Diu in the Fifteenth year of the Republic follows:

CHAPTER I

Preliminary

Short title, extent and commencement. — (1)

6. Expression called the Goa, Daman and Diu Tenancy Act, 1964.

(i) where the first instance to the Goa, Daman and Diu Tenancy Act, 1964.

but the Government may, by notification, extend it to the other areas with such modifications as may be necessary.

(3) It shall come into force on such date as may be fixed by notification by the Government and different dates may be fixed for different provisions of the Act or different areas or localities.

2. In this Act, unless there is anything repugnant to the subject or context —

(1) «agriculture» with its grammatical variations and cognate expressions, includes the raising of food crops like paddy, wheat, pulses, millets and vegetables and includes also sugar cane and arecanut but, save as otherwise expressly provided by or under subsection (1) of Section 3 of this Act, does not include the raising of produce from trees like cocoanut, cashew, or mango.

(2) «agriculturist» means a person who cultivates land personally;

(3) «allied pursuits» means dairy farming, poultry farming, breeding of livestock, grazing and such other pursuits as may be prescribed.

(4) «Collector» means any person appointed by the Government to perform the functions of the Collector under this Act.

(5) «Co-operative Society» means a society registered under the provisions of any law relating to Co-operative Societies for the time being in force in the particular area.

(6) «to cultivate» with its grammatical variations and cognate expressions, means to till or husband the land for the purpose of raising or improving agricultural produce, whether by manual labour or machinery, or to carry on any agricultural operation thereon; and the expression «uncultivated» shall be construed correspondingly;

(4) The provisions of any other law for the time being in force, relating to leases of immovable property shall, in so far as they are not inconsistent with the provisions of this Act, apply to the tenancies and leases of land to which this Act applies.

CHAPTER II

Security of Tenure

4. **Persons deemed to be tenants.**—A person lawfully cultivating any land belonging to another person, on or after the 1st of July, 1962 but before the commencement of this Act, shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not—

- (i) a member of the owner's family, or
- (ii) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or of any member of the owner's family, or
- (iii) a mortgagee in possession.

Provided that if upon an application made by the landlord within one year from the commencement of this Act to the Mamlatdar within whose jurisdiction the land is situated:—

- (a) the Mamlatdar declares that such person is a tenant and his decision is not reversed on appeal or revision, or
- (2) the Mamlatdar refuses to make such declaration but his decision is reversed on appeal or revision such person shall not be deemed to be a tenant under this section.

Provided further that a sub-tenant cultivating any land belonging to another person on the 1st of July, 1962 shall, notwithstanding the fact that the creation of the sub-tenancy might have been prohibited by any law for the time being in force, be deemed to be lawfully cultivating the land as a tenant for the purposes of this section; and in such cases, ten intermediary tenant or tenants who created the subtenancy shall not be deemed to be a tenant or tenants for the purposes of this Act.

5. **Right of persons holding on the date of liberation.**—A person who lawfully cultivated as a tenant or sub-tenant any land belonging to another person on or after the 19th of December 1961 but before the 1st July, 1962 shall be deemed to be a tenant for all the purposes of this Act. —

- (i) if such person cultivated it personally for any period immediately preceeding the latter date,
- (ii) if such land is not cultivated personally by the owner,
- (iii) if such person is not one of the persons mentioned in clauses (i) to (iii) of section 4 and
- (iv) if such person is restored to possession of such land in pursuance of subsection (3) of section 8.

6. **Explanations.**—For the purposes of sections 4 and 5—

- (i) where the person who lawfully cultivated the land on the relevant date is, on or before the date of coming into force of this

Act, dead, his legal representative or where there are more than one legal representative all of them jointly, shall be entitled to the same rights and subject to the obligations as the deceased person.

- (ii) where any land is held by two or more persons jointly as tenants, all such persons shall, if any one of them cultivated and continues to cultivate such land personally be deemed to be tenants in respects of such land.

- (iii) where any land is cultivated by a widow or minor or a person who is subject to physical or mental disability or a serving member of the Defence Forces, through a tenant then, notwithstanding anything contained in explanation (i) to clause 7 of section 2 such tenant shall be deemed to be a tenant.

7. **Question of tenancy.**—If any question arises whether any person is a tenant or should be deemed to be a tenant under this Act the Mamlatdar shall, after holding an inquiry, decide such question.

8. **Bar of eviction and restoration of possession.**—

(1) No tenancy of any land shall be terminated and no person holding land as a tenant shall be liable to be evicted therefrom save as provided under this Act.

(2) Where any such person as is referred to in section 4 is evicted from the land on or after the 1st July, 1962 such person shall be entitled to recover immediate possession of the land in the manner prescribed by or under this Act unless the landlord proves that the termination of tenancy was on any of the modes specified in section 9.

(3) Where any such person as is referred to in section 5 was evicted from such land on or after the 19th of December, 1961 but before the 1st of July, 1962, such person shall, in the manner prescribed by or under this Act, be entitled to recover possession of the land if—

- (i) he applies to the Mamlatdar within six months of the date of coming into force of this section stating that he agrees to become a tenant on the same terms and conditions as existed before and as modified by the provisions of this Act;
- (ii) he proves that the eviction was malafide and was intended to defeat the purposes of this Act; and
- (iii) he pays to the landlord the arrears of rent, if any, due from him under the terms of his tenancy or gives sufficient security therefor.

Provided that where the land from which such person was evicted had been leased out by the landlord to another person for any period after the said date, the evicted person shall not be entitled to recover possession before the first day of the year immediately following the year of coming into force of this section.

(4) Notwithstanding anything contained in the foregoing provisions, where the Government is satisfied that a tenant has for reasons beyond his control omitted to take steps for restoration of possession within the time prescribed therefor, it may on its own motion, direct the Mamlatdar to entertain and dispose of an application.

9. **Modes of termination of tenancy.**—The tenancy of any land may be terminated—

- (a) by the tenant by surrender of his right to the landlord in the manner provided in section 10; or
- (b) by the landlord on the grounds specified in section 11; or
- (c) under any other specific provision of this Act.

10. **Surrender by Tenant.**—(1) Any tenant may surrender his right of tenancy in respect of any land to the landlord and thereupon the tenancy in respect of that land shall stand terminated if the following conditions are satisfied:

- i) the surrender should be made at least a month before the commencement of the year;
- ii) it should be made by the tenant in writing and should be admitted by him before the Mamlatdar;
- iii) it should be made voluntarily and in good faith to the satisfaction of the Mamlatdar;
- iv) it should be approved by the Mamlatdar; and
- v) the conditions in clauses (a) to (d) of subsection 4 of section 20 are satisfied.

(2) Where the land is cultivated jointly by joint tenants or members of an undivided family, the surrender will not be valid unless it is made by all of them and where the surrender is not made by all of them, it shall be ineffective in respect of such joint tenants as have not joined in the application for surrender.

(3) Where the Mamlatdar is of opinion that the conditions mentioned in subsection (1) are not satisfied, he may, after giving a reasonable opportunity to the landlord to show cause against taking action under this subsection, and holding such enquiry as he may,—

- (i) refuse to approve the surrender, or
- (ii) submit the case to the Government for orders under the next sub-section.

(4) Where a case is submitted under the preceding subsection, the Government may, by order, transfer the tenancy right to any other person, including a Comunidade, a Co-operative Society or a Panchayat, who, in its opinion, is a fit and proper person to be a tenant, and thereupon such other person shall be deemed to be a tenant for the purposes of this Act.

11. **Termination of tenancy by landlord.**—(1) The landlord may terminate a tenancy on the ground that the tenant:

- (a) has failed to pay the rent for any period on or before the dates fixed by or under this Act.
- (b) has done any act which is destructive or permanently injurious to the land, or
- (c) has sub-divided, sub-let, or assigned any interest in, the land, otherwise than as permitted under sections 14 and 15, or
- (d) has failed to cultivate the land personally, or
- (e) has used such land for a purpose other than agriculture.

Provided that no tenancy of any land held by a tenant shall be terminated on any of the grounds mentioned in this section unless the landlord gives at

least six months notice in writing intimating his decision to terminate the tenancy and the ground for such termination and unless within that period the tenant has failed to remedy the breach for which the tenancy is liable to be terminated.

Provided further that the tenancy of a tenant who is female or a minor, or is subject to physical or mental disability, or is serving in the Defence Forces of India shall not be terminated on the ground only that the land comprised in the tenancy has been sub-let by or on behalf of such tenant.

(2) Where the landlord after the expiry of the period of notice mentioned in subsection (1) decides to terminate the tenancy under this section, he shall apply to the Mamlatdar for permission to do so and the Mamlatdar may, if he considers it necessary for reasons to be recorded in writing and after considering the objections, if any, of the landlord, submit the case to the Government for orders under subsection (4) of section 10.

12. **Special provisions regarding termination for non-payment of rent.**—(1) Where the tenancy of any land held by a tenant is terminated for non-payment of rent and the landlord files any proceeding to eject the tenant, the Mamlatdar shall call upon the tenant to tender to the landlord the rent in arrears together with the cost of the proceedings within ninety day from the date of the order the Mamlatdar shall, lieu of making an order of ejectment, pass an order directing that the tenancy has not been terminated and thereupon the tenant shall hold the land as if the tenancy had not been terminated.

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed for any three years to pay rent within the period fixed by or under this Act and the landlord has given intimation to the tenant of the default within a period of six months of each default.

(2) The landlord may apply to the Mamlatdar in the prescribed form for recovery of arrears of rent for any period not exceeding three years. The Mamlatdar may, after such enquiry as he considers necessary, pass such order as he deems fit. The Mamlatdar in passing an order shall allow the tenant to set off the sum, if any, paid by him to the landlord within the period of three years immediately preceding the date of application made under subsection (1) in excess of the rent due from him.

Provided that if the Mamlatdar is satisfied that in consequence of a total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Mamlatdar may, for reasons to be recorded in writing direct that the arrears of rent together with costs of the proceedings, if awarded, shall be paid within one year from the date of the order and that if before the expiry of the said period the tenant fails to pay the said arrears of rent and costs, the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted.

(3) When a tenant tenders an amount on account of rent to the landlord for any period and if the landlord refuses to receive it or refuses to grant a receipt for it, the tenant may present to the Mamlatdar an application in writing for permission to deposit in his office the full amount of rent. The Mamlatdar may receive the amount in deposit and

give a receipt for it, which shall constitute a discharge of the tenant's liability in respect of rent for such period and no claim or application by a landlord for rent shall be maintainable in respect of the period for which the rent has been so deposited by the tenant. Notice of the amount so deposited shall be given to the landlord and the amount will, on his application, be paid to him.

13. Tenancy during usufructory mortgage.— If any land is mortgaged by a landlord by way of usufructory mortgage to a tenant cultivating such land, the tenancy of such land shall be in abeyance during the period the mortgage subsists. After the expiry of the said period it shall, notwithstanding any other law for the time being in force, be lawful to the tenant to continue to hold the land on the terms and conditions on which he held it before the mortgage was created.

14. Rights of tenants are heritable.— Where a tenant dies, the landlord shall be deemed to have continued the tenancy:

(a) if such tenant was a member of an undivided family, to the surviving member or members of the said family, and

(b) if such tenant was not a member of an undivided family, to his heir or heirs on the same terms and conditions on which such tenant was holding the time of his death.

(2) The surviving members, or as the case may be, the heirs to whom the tenancy is continued under sub-section (1) shall be entitled to partition and sub-division of the land leased subject to the following conditions:

(a) each sharer shall hold his share as a separate tenant;

(b) the rent payable in respect of the land leased shall be apportioned among the sharers according to the share allotted to them; and

(c) if any question arises regarding the shares or the apportionment of the rent payable by the sharers, it shall be decided by the Mamlatdar whose decision shall be final.

15. Sub-division, sub-letting and assignment prohibited.— (1) Save as otherwise provided in this Act, no sub-division or sub-letting of the land held by a tenant or assignment of any interest therein shall be valid.

(2) Notwithstanding anything in sub-section (1), it shall be lawful for a tenant:—

(a) who is a widow, minor or a person subject to any physical or mental disability, or a serving member of the Defence Forces to sub-let such land held by her or him as a tenant, or

(b) who is a member of a co-operative farming society and as such member to sub-let, assign, mortgage or to create a charge on his interest in the land in favour of such society.

(3) Notwithstanding anything contained in sub-section (1), it shall also be lawful for a tenant to mortgage or create a charge on his interest in the land in favour of the Government in consideration of a loan advanced to him by the Government or in favour of a Co-operative Society in consideration of a loan advanced to him by such Co-operative Society, and without prejudice to any other remedy open to the Government or the Co-operative Society,

as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted it shall be lawful for the Government or the Co-operative Society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

16. Bar to attachment seizure or sale by process of Court.— Save as expressly provided in this Act any interest in the land held by a tenant as such shall not be liable to be attached, seized or sold in execution of a decree or order of a Civil Court.

17. Dwelling house of tenant in landlord's site.— If in any village, a tenant of any agricultural land is in occupation of a dwelling house on a site belonging to his landlord, such tenant shall not be evicted from such dwelling house with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment.

(2) The provisions of sub-sections (1) shall not apply to a dwelling house which is situate on any land used for the purposes of agriculture the tenancy of which has been terminated for personal cultivation by the landlord.

(3) If the landlord of a site referred to in sub-section (1) intends to sell such site, such tenant at the expense of whom or whose predecessor-in-title a dwelling house is built thereon, shall be given in the manner provided in sub-section (4) the first option of purchasing the site at a value determined by the Tribunal.

(4) The landlord intending to sell such site shall give notice in writing to the tenant requiring him to state within three months from date of service of such notice whether he is willing to purchase the site.

(5) If within the said period the tenant intimates in writing to the landlord that he is willing to purchase the site, the landlord shall make an application to the Tribunal for the determination of the value of the site. On receipt of such application the Tribunal shall, after giving notice to the tenant and after holding enquiry, determine the value of the site and shall, by an order in writing, require the tenant to deposit the amount of value so determined within three months from the date of such order. On the deposit of such amount the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord and the Tribunal shall, on payment of the prescribed fees, grant a certificate in the prescribed form to the tenant specifying therein the particulars of the site so transferred and the name of the tenant.

(6) If in respect of a site which a landlord offers to sell to the tenant under the provisions of sub-section (3) the value payable therefor by the tenant is agreed to between him and the landlord, either the landlord or the tenant or both jointly may apply to the Tribunal and thereupon the Tribunal shall on payment of the prescribed fees, grant a certificate in the prescribed form; the value that is so agreed upon shall be deemed to be the value determined by the Tribunal for the purposes of sub-section (5).

(7) If the tenant fails to intimate his willingness to purchase the site within the period referred to in sub-section (4) or fails to deposit the amount of the value within the time specified in sub-section (5),

the tenant shall be deemed to have relinquished his right of first option to purchase the site.

Provided that no tenant of agricultural land shall, so long as he remains such tenant, be liable to be evicted from the site by the purchaser of such site.

(8) Any sale of a site effected in contravention of this section shall be void.

(9) The Government may, by notification direct that the foregoing provisions of this section shall, in any area specified in the notification, apply also in respect of houses and the sites thereof occupied by agricultural labourers or artisans or in respect of land held on lease by persons carrying on allied pursuits for the purpose of such pursuit.

18. Procedure for taking Possession.—(1) A tenant entitled to possession of any land or dwelling house under any of the provisions of this Act may apply in writing for such possession to the Mamlatdar. The application shall be made in such form and within such period as may be prescribed by or under this Act.

(2) No landlord shall obtain possession of any land or dwelling house held by a tenant except under an order of the Mamlatdar, for which he shall make an application in such forms and within such period as may be prescribed by or under this Act.

(3) On receipt of an application under sub-section (1) or (2) the Mamlatdar shall, after holding an enquiry pass such order thereon as he deems fit, with due regard to the other provisions of this Act and the rules.

(4) Any person taking possession of any land or dwelling house except in accordance with the provisions of sub-section (1) or (2), as the case may be, shall be liable to forfeiture or crops, if any, grown in the land in addition to payment of such costs as may be awarded by the Mamlatdar or by the Collector on appeal and also to the penalty of any prescribed by or under this Act.

(5) The Government may, by notification, direct that the provisions in the foregoing sub-section shall apply to sites used for allied pursuits as they apply to sites of dwelling of an agriculturist and thereupon the provisions shall so apply.

CHAPTER III

By landlord

19. Application of this chapter.—The provisions of this Chapter shall come into force only on a date to be fixed specially by notification, which shall not be earlier than the date of completion of survey and settlement of agricultural land in the particular area, in pursuance of the provisions of this Act or any other law.

20. Resumption of land for personal cultivation.—

(1) Notwithstanding anything contained in the other provisions of this Act, but subject to the provisions of this chapter, a landlord may, in the manner provided in sub-section (2), terminate the tenancy of any land if the landlord genuinely requires the land for cultivating it personally.

(2) Where the landlord proposes to act under sub-section (1) he shall give a notice to the tenant in writing, stating the purpose for which the landlord requires the land and shall, save as otherwise provided in sub-section (3), serve the notice on the

tenant on or before a date to be notified in this behalf by the Government. A copy of such notice shall, at the same time, be sent to the Mamlatdar. An application for possession shall be made to the Mamlatdar within three months from the date aforesaid and the Mamlatdar may, after being satisfied as to the genuineness, pass orders authorising the termination of tenancy and eviction of tenant.

(3) Where the landlord is a minor, or a widow with a life interest or a person serving in the Defence Forces or a person subject to any physical or mental disability, then, if he has not given a notice and made an application as required by sub-section (2), such notice may be given and such application may be made—

(a) by the landlord within one year from the date on which—

- (i) in the case of a minor, he attains majority;
- (ii) in the case of a person serving in the Defence Forces, he ceases to serve in such Force; and
- (iii) in the case of a person subject to mental or physical disability, he ceases to be so subject; and

(b) in the case of a widow with a life interest, by the successor in title within one year from the date on which the widow's interest in land ceases to exist.

Provided that where land is held by two or more joint holders, the provisions of this sub-section shall not apply, if at least one joint holder is outside the categories specified in this sub-section.

Provided further that in the case of a landlord taking action under sub-clause (ii) of clause (a), the provisions of sub-sections (4) and (5) shall not apply.

(4) The landlord's right to terminate the tenancy of any tenant under sub-section (1) shall be subject to the following conditions—

(a) the landlord or a member of his family must reside in the village in which the land is situated or in a village within 7 kilometres thereof, during the major portion of any agricultural season;

(b) he shall not be entitled to resume more than 2 hectares of paddy land in the case of Khajan or ker lands and 4 hectares in the case of any other land.

(c) the landlord is not cultivating any other land;

(d) the income by the cultivation of the land he seeks to resume is his main or principal source of income for his maintenance; and

(e) if more tenancies than one are held under the same landlord, then the landlord shall be competent to terminate only the tenancy or tenancies which are the shortest in point of duration.

(5) For the purposes of this section all partitions of property between co-owners, joint tenants or co-parcenors, and all transfers of property by way of gift, made on or after the date to be modified in this behalf, shall be ignored and deemed not to exist, unless such partition or gift is approved by the Tribunal.

(6) No tenancy can be terminated under this section—

(a) in such manner as will result in leaving with a tenant, after termination, less than half the area of the land leased to him, or

(b) if the tenants has become a member of a co-operative farming society and so long as he continues to be such member.

(7) If a landlord who resumes any land for personal cultivation under the foregoing provisions fails to cultivate the land within one year from the date of such resumption, the tenant who was cultivating the land immediately before such resumption shall be entitled to restoration of his possession.

(8) If, within the prescribed time, the tenant makes an application to the Mamlatdar and satisfies him that the landlord has failed to comply with the provisions of sub-section (6), the tenant shall be entitled on a direction by the Mamlatdar to obtain immediate possession of the land and to such compensation as may be awarded by the Mamlatdar for any loss caused to the tenant by eviction and by failure on the part of the landlord to restore or give possession of the land to him as required under that sub-section.

(9) If, in consequence of the termination of tenancy under the foregoing provisions, any part of the land leased is left with the tenant, the rent of the land so left shall be apportioned in the prescribed manner in proportion to the area of such land.

(10) The tenancy of any land left with the tenant after the termination of the tenancy for personal cultivation, shall not, at any time, afterwards be liable for termination again on the ground that the landlord in fact requires the land for personal cultivation.

21. Reservation for non-agricultural purposes. — A landlord may terminate the tenancy of any tenant and reserve the land for any non-agricultural purposes, if he is permitted to do so by the Government. Thereupon, the provisions of the foregoing sections of this chapter shall mutatis mutandis apply as if the landlord had resumed the land for personal cultivation.

22. Without prejudice to the generality of sub-section (1) of section 57 but subject to sub-section (2) thereof, the Government may make rules for —

- (i) the manner of conducting enquiries into applications for possession of lands made under this chapter.
- (ii) the selection of lands for taking possession;
- (iii) the exchange or consolidation of fragments to secure as far as possible a contiguous area to the land holder or the tenant;
- (iv) the time when the termination of tenancy will take effect; and
- (v) any other matter as may be considered necessary for giving effect to the provisions of this chapter.

CHAPTER IV

Fixation of rent

23. Maximum Rent. — (1) Subject to the provisions of this Act, the rent payable by a tenant to the landlord in respect of any land shall not exceed one sixth of the gross produce of such land.

(2) For the purposes of sub-section (1) gross-produce means.

- (i) such quantity as may be agreed to between the landlord and the tenant as representing the total produce of the land;

(ii) where there is no such agreement, such quantity as is ascertained by actual measurement of the produce immediately after or the Escrivao or any other respectable harvest in the presence of the Gram Sevak person; and

(iii) where the Government have in relation to any village or area prepared and published any Record of Rights or other data based on crop cutting experiment or otherwise, the gross produce shall be ascertained with reference to such principles, if any, as may be prescribed.

(3) (a) Where a tenant raises a second crop during the year, the quantity raised by the tenant in such crop shall not be included in the gross produce unless;

- (i) there is a recognized practice of paying rent in respect of second crop; and
- (ii) the second crop is raised with substantial assistance from the landlord.

Explanation; —

Where a tenant raises, in any land under paddy cultivation, any crop of millets, pulses or vegetables, not as a main crop but as a subsidiary or secondary crop, such crop shall be deemed to be a second crop for the purposes of this sub-section.

(b) Where, for the purposes of clause (a), any question arises as to the existence of a recognized practice or, as the case may be, of substantial assistance from the landlord, such question shall be decided by the Mamlatdar after holding an inquiry.

(4) The rent payable by a tenant to the landlord shall be paid annually or, at the option of the tenant, in two instalments, the first on or before the 31st of December and the second on or before the 31st March of the year; such rent may be paid in cash or in kind at the option of the tenant, at such conversion rates as may, from time to time, be fixed by the Government by notification.

(5) Notwithstanding anything in the foregoing provisions, where the Government considers it necessary to do so, it may, by notification, declare that in any specified area, the rent payable in kind or as a share of crop, shall be commuted into cash rent at the rate specified therein; and thereupon, the commuted cash rent shall not be altered for a period of five years from the date of commutation, unless the Tribunal, on an application by landlord or tenant, orders otherwise.

(6) If by custom, usage, agreement or decree or order of a court the amount of rent payable is less than the maximum specified in sub-section (1) the amount so payable shall be the rent in respect of the land, if the Mamlatdar on application by the tenant and after holding an inquiry, determines the existence of such custom, usage, agreement, decree or order of Court.

24. Maximum Rent after Survey & Settlement. —

(1) The provisions of this section shall come into force in any area with effect from such date as may be fixed specially by notification.

(2) In any area in which a survey and settlement of agricultural lands have been completed in pursuance of the provisions of this Act or of any other

law, the maximum rent payable by a tenant to a landlord shall be such multiples of the land revenue, not exceeding five, as may be prescribed for each area.

(3) Where the maximum rent has been fixed under sub-section (2) the Mamlatdar shall, for each village or group of villages or for any area in such village or group within his jurisdiction, fix the rate of rent payable by the tenant for the lease of different classes of land situated in such village, group or area, as the case may be.

(4) The rate of rent so fixed shall continue for a period of 5 years and shall be liable to be revised by Government thereafter at the end of each successive period of 5 years; provided that the rate of rent so fixed, if not revised at the end of next period, shall continue until it is so revised.

(5) The rent payable by a tenant to his landlord in respect of any land in a village, or group of villages or areas, shall be at the rate fixed under sub-section (3);

Provided that the Mamlatdar may at any time during any such period of five years, on an application made to him in this behalf—

- (i) reduce the rent, if he is satisfied that on account of the deterioration of the land by flood, or other cause beyond the control of the tenant, the land has been wholly or partially rendered unfit for cultivation, or
- (ii) subject to the maximum fixed under sub-section (2), enhance the rent, if he is satisfied that on account of any improvement made in the land, at the expense of the landlord, there has been an increase in the agricultural produce thereof.

(6) Until the rent is fixed in accordance with the provisions of the preceding sub-sections a tenant shall, subject to the maximum provided under sub-section (2), be liable to pay rent to the landlord at the rate at which it was payable immediately before the date referred to in sub-section (1) and if such rent was payable in crop share or produce, either partly or wholly, the value of such crop share or produce shall be determined at such conversion rates as the Government may fix by notification.

25. Compensation and penalty for excess recovery of rent.—If any landlord recovers rent from any tenant in contravention of the provisions of section 23 or 24, he shall forthwith refund the excess amount recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the Mamlatdar, and shall also be liable to such penalty as may be prescribed by or under this Act.

26. Liability for cost of cultivation, tax, cess, etc.—(1) In the case of land in respect of which the rent has been fixed under the foregoing provision, a landlord shall not be liable to make any contribution towards the cost of cultivation of the land in the possession of his tenant, except to the extent otherwise specifically provided for in this Act.

(2) (a) The liability to pay land revenue in accordance with the provisions of any law for the time being in force shall be that of the landlord.

(b) The liability to pay irrigation cess in accordance with the provisions of any law for the time being in force, shall be that of the tenant but in the case of Khajan lands such liability shall be limited to fifty per cent of the cess.

(c) The liability to pay any other rate, tax, fee, cess, or other charge levied by or under any other law shall be as provided in such law and in the absence of any provision, on the tenant.

(3) In the case of Khajan and Ker lands the duty and responsibility of carrying out works of maintenance, repairs and conservancy of banks, bunds, or ridges of tanks or rivers or other sources of irrigation shall be that of the tenant and the landlord shall not be liable to make any contribution to the cost of such works.

(4) Where the benefit of any such works as is referred to in the preceding sub-section is derived by or is available to more tenants than one, the cost of such works shall be distributed between all such tenants in such proportion as may be agreed to between them or, in the absence of an agreement, as may be determined by the Mamlatdar, having due regard to all relevant circumstances of the case.

27. Bar of recovery of any other sum from tenant.—Save as otherwise provided in this Act, it shall not be lawful for any landlord to levy rate, tax, fee, cess or other charge for service or description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

28. Benefit of any suspension or remission of rent.—(1) Whenever for any reason the payment of the whole land revenue payable to the Government in respect of any land is suspended or remitted, the landlord shall suspend or remit, as the case may be, the payment to him of the rent of such land by his tenant. If in the case of such land the land revenue is partially suspended or remitted, the landlord shall suspend or remit the rent payable by the tenant of such land in the same proportion.

(2) If no land revenue is payable to Government in respect of such land and if for any reason, the payment of the whole or any part of the land revenue payable to the Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Collector shall, subject to the general or special orders of Government, in the manner provided in sub-section (1) suspend or remit as the case may be, the payment to the landlord of the rent or part of it due in respect of such land.

(3) No suit shall lie and no decree of a Civil Court shall be executed for recovery by a landlord of any rent, the payment of which has been remitted or during the period for which the payment of such rent has been suspended under this section. The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(4) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section, if the Mamlatdar, after making an inquiry, orders the refund.

CHAPTER V

Other rights and liabilities

29. General.—Save as provided in this Act, the rights and privileges of any tenant under any custom, usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever, shall not be limited or abridged.

30. Presumption as to rent and duty to give receipt.—(1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for the year in which the payment is made.

(2) When any amount of rent is received in respect of any land by a landlord or by a person on behalf of such landlord, the landlord or, as the case may be, the person shall at the time when such amount is received by him give a written receipt therefor in such form and in such manner, if any, as may be prescribed.

31. Tenant's rights to trees on the land.—(1) If any portion of agricultural land leased to a tenant is covered by cultivation, the tenant has planted or sown any trees, he shall be entitled to the produce of the wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for the said trees as may be determined by the Mamlatdar.

Provided that the tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender under section 10.

(2) If in any such portion of the land as is referred to in sub-section (1) there are any trees naturally growing thereon, the tenant shall, during the continuance of his tenancy, be entitled to two-thirds of the produce of the trees and the landlord to the remaining one third.

32. Compensation for improvements made by tenant.—(1) A tenant who has made any improvement on the land held by him, other than what he is bound to do under this Act, shall, if his tenancy is terminated under the provisions of this Act, be entitled to compensation for such improvement the amount of which shall, on an application made by the tenant in the prescribed form, be determined by the Tribunal in accordance with the provisions of sub-section (2).

(2). The amount of compensation shall be the value of the improvement at the time of the termination of the tenancy estimated with due regard to:

(a) the amount by which the value of the land is increased by the improvement;

(b) the condition of the improvement as at the time of application and the probable duration of its effect;

(c) the labour and capital provided or spent by the tenant for the taking of the improvement; and

(d) any reduction or remission of rent or other advantage allowed to the tenant by the landlord in consideration of the improvement.

33. Right to erect farmhouse.—A tenant shall be entitled to erect a farmhouse on the land held by

him as a tenant without detriment to the area of cultivation.

34. Maintenance of boundary marks.—The responsibility for the maintenance and good repair of the boundary marks of the land held by the tenant and any charges reasonably incurred on account of services by revenue officers in case of alteration, removal or disrepair of such boundary marks shall be upon the tenant.

35. Repairs of protective bunds.—(1) If it appears to the Government that the construction, maintenance or repair of any bunds protecting any land held by a tenant is neglected owing to a dispute between the landlord and the tenant or any other reason, the Government may by order in writing direct that the construction, maintenance or repair shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable from the person in actual possession of the land as arrears of land revenue.

(2) The person from whom the costs are recovered under sub-section (1) shall be entitled to recover the same or the appropriate portion thereof from any person who under any law, agreement, usage or custom is wholly or partially liable to construct, maintain or repair the bunds.

(3) Notwithstanding anything contained in sub-section (1) it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct maintain or repair such bunds at his cost and the costs so incurred by him shall on application made by him to the Mamlatdar be recoverable by him from the landlord, according to his liability under any law, agreement, usage or custom. The costs of the proceedings on the tenant's application shall also be recoverable from the landlord in case the landlord is held wholly or partially liable to pay the cost incurred by the tenant for the construction, maintenance or repair of the bunds.

36. Power to assume management.—(1) If it appears to the Government that for any two consecutive years including any period before the commencement of this Act any land has remained uncultivated through default either of the landlord or of the tenant, or that cultivation of any land has seriously suffered for any other cause whatsoever, or that any land capable of being used, if reclaimed or otherwise improved, howsoever, has not been so reclaimed or otherwise improved and cultivated or that, any land is remaining as a pasture land in excess of the ordinary grazing requirements of the cattle of the persons entitled to graze cattle thereon, the Government may, after such enquiry as may be prescribed, declare by notification that the management of such land shall be assumed, and such declaration shall be conclusive.

(2) On the publication of a notification under sub-section (1), the Government or an officer authorised by the Government in this behalf shall appoint a manager to be in charge of the land and the manager so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.

(3) During the period of commencing with the publication of the notification under sub-section (1) and ending with the termination of management

under subsection (4) the following provisions shall have effect, namely:

(a) all legal proceedings pending and all processes, executions or attachments in force in respect of debts and liabilities enforceable against the land shall be suspended and no fresh proceedings, processes, executions or attachments shall be instituted, issued, enforced or executed in respect thereof;

(b) The holder of the land shall be incompetent and the manager shall be competent:

- (i) to enter into any contract with respect of the land,
- (ii) to mortgage, charge, lease or alienate the land or any part thereof; and
- (iii) to grant valid receipts for rents or profits accruing from the land;

(c) all powers, which, if the management of the land has not been assumed, would have been exercisable by the landlord shall be exercisable by the manager who shall receive and recover all rents and profits due in respect of the land under management and for the purpose of recovering the same may exercise, in addition to the powers exercisable by the landlord, the powers exercisable by a Collector for the recovery of land revenue;

(d) from the sums received on account of the land, the manager shall pay —

- (i) the costs of management including the cost of necessary repairs;
- (ii) The Government revenue and all sums due to the Government in respect of the land under management;
- (iii) the rent, if any, due to any superior holder in respect of the land,
- (iv) such periodical allowance as the Collector may from time to time fix for the maintenance and other expenses of the landlord and of such members of his family as the Collector directs; and
- (v) the cost of such improvement of the land as he thinks necessary and is approved by the Collector;

(e) the manager shall pay to the landlord the balance, if any, remaining after the expenses referred to in clause (d) have been defrayed;

Provided that if any proceedings in respect of debts and liabilities enforceable against the land have been suspended under clause (a), the manager may deposit an amount, not exceeding the amount estimated to be required for the meeting of such debts and liabilities with the Court in which the proceedings were pending.

(4) (a) When in the opinion of the Government it has become unnecessary to continue the management of the land the Government shall by notification terminate the management thereof.

(b) On the termination of management, the land (together with any balance of monies creditable to the landlord) shall be delivered to the landlord from whom the management was assumed or, if he is dead, to the person appearing to the Government to be entitled to the land.

(c) All acts done by the manager during the period of management shall be binding on the landlord or other person to whom the land is delivered under clause (b).

(d) The period during which the institution of any proceedings has been prohibited by clause (a) of sub-section (3) shall be excluded from the computation of the period of limitation for the institution of that proceeding.

(5) The Government may appoint a *Comunidad*, a Village Panchayat or a Co-operative Society as manager for this purpose of this section.

37. Prescription of standards of cultivation and management. — (1) With a view to bring the agricultural economy to a higher level of efficiency, the Government may, by rules, regulate standards of efficient cultivation and management.

(2) Such rules may provide for the issue of directions as regards the methods of agriculture to be adopted, for the use of improved seeds, for the sale of surplus foodgrains, and for ensuring proper wages and terms of employment of agricultural workers, maintenance of regular and accurate accounts in respect of cultivation, and such other directions as may be necessary or desirable for the efficient utilisation of lands.

(3) Subject to the rules made under sub-section (1), the Government may by order published in the Official Gazette prescribe any programme of agricultural operations.

(4) If any tenant makes any default in observing the standards or programme referred to above, he shall —

- (i) for the first season in which the default occurs, be issued a warning;
- (ii) for the next season in which a default occurs he shall be liable to pay additional rent to the landlord of 10 per cent over and above the rent payable by him, if the default is not due to any act or omission on the part of the landlord, and
- (iii) for the succeeding season in which the default occurs again, he shall be liable to be evicted from the land under an order of the Mamlatdar.

(4) If any landlord makes any default in observing the standards or programmes referred to above, he shall be liable to forego in favour of the tenant ten per cent of the rent if such default occurred more than once in a year.

(5) The penalties provided in sub-section (3) and (4) shall be in addition to the penalties if any, provided by, or under this Act or any other law for the time being in force.

38. Tenant's right to operate sluice gates. — (1) Where, for the purpose of regulating supply of water for irrigation of any land, there is any sluice gate or other such contrivance, the right to operate and the duty and responsibility of maintaining such sluice gate or other contrivance, shall be that of the tenant, notwithstanding any other law, custom usage, agreement or contract decree or order of any court to the contrary.

(2) Where immediately before the commencement of this Act, any such right as is referred to in sub-section (1) vested on the landlord or any other person, other than the Government, the tenant shall be liable to pay to the landlord or other person, by way of rent for the exercise of the right conferred under that sub-section a sum of money to

be fixed by the Tribunal in accordance with such principles as may be prescribed.

(3) The rights conferred on a tenant under sub-section (1) shall, where there are more tenants than one who derive benefit from the same sluice gate or other such contrivance, be exercised by all the tenants jointly in accordance with such principles as may be prescribed.

39. Construction of water course through land belonging to other persons.—(1) If any person (hereinafter called the applicant) desires to construct a water course to take water for the purpose of agriculture from a source of water to which he is entitled, but such water course is to be constructed through any land which belongs to, or is in possession of, another person (hereafter called the neighbouring holder), and if no private agreement is arrived at for such construction between the applicant and the neighbouring holder, the person desiring to construct the water course may make an application in the prescribed form to the Mamlatdar.

Explanation—For the purposes of this section the neighbouring holder shall include the person to whom the land belongs and all persons holding rough or under him.

(2) On receipt of the application, if the Mamlatdar, after making an inquiry and after giving to the neighbouring holder and all other persons interested in the land an opportunity of stating any objection to the application, is satisfied that for ensuring the full and efficient use for agriculture of the land belonging to the applicant it is necessary to construct the water course he may, by order in writing direct the neighbouring owner to permit the applicant to construct the water course on the following conditions:

- (i) the water course shall be constructed through such land in such direction and manner as is agreed upon by the parties or failing agreement, as directed by the Mamlatdar so as to cause as little damage to the land through which it is constructed, as may be possible;
- (ii) where the water course consists of pipes, the pipes shall be laid at a depth not less than one foot and a half from the surface of the land;
- (iii) where the water course consists of water channel, the channel shall not exceed five feet in breadth;
- (iv) the applicant shall pay to the neighbouring holder such compensation for any damage caused to such land by reason of the construction of the water course injuriously affecting such land or such annual rent, as the Mamlatdar may decide to be reasonable;
- (v) the applicant shall maintain the water course in a fit state of repairs;
- (vi) the applicant shall within the prescribed period execute an agreement in the prescribed form in favour of the neighbouring holder; and
- (vii) such other conditions as the Mamlatdar may think fit to impose.

(3) An order made under sub-section (2) shall direct how the amount of compensation shall be

apportioned among the neighbouring holder and all persons interested in the land.

(4) Any order made under sub-section (2) shall after the applicant executes an agreement as required under clause (vi) of sub-section (2) be a complete authority to him or to any agent or other person employed by him for the purpose to enter upon the land specified in the order with assistants or workmen and to do all such work as may be necessary for the construction of the water course and for renewing or repairing the same.

40. Failure to pay rent and to keep water course in good repair.—If the applicant in whose favour an order under sub-section (2) of section 39 was made—

(a) fails to pay the amount of compensation or the amount of the rent, it shall be recovered as an arrear of land revenue on an application being made to the Mamlatdar by the person entitled thereto;

(b) fails to maintain the water course in a fit state of repairs, he shall be liable to pay such compensation as may be determined by the Mamlatdar for any damage caused on account of such failure.

41. Removal or discontinuance of water course.—

(1) If a person intends to remove or discontinue the water course constructed under the authority conferred on him under section 39, he may do so after giving notice to the Mamlatdar and the neighbouring holder.

(2) In the event of removal or discontinuance of such water course, the person taking the water shall fill in and reinstate the land at his own cost with the least practicable delay. If he fails to do so, the neighbouring holder may apply to the Mamlatdar who shall require such person to fill in and reinstate the land.

42. Neighbouring holder entitled to use surplus water on payment of rate.—The neighbouring holder or any person on his behalf shall have the right to the use of any surplus water from the water course on payment of such rates as may be agreed upon between the parties, and on failure of agreement, as may be determined by the Mamlatdar. If a dispute arises whether there is or is no surplus water in the water course, it shall be determined by the Mamlatdar, and his decision shall be final.

CHAPTER VI

Tribunals, Procedure and Appeals

43. Tribunal.—(1) For the purpose of this Act, there shall be a Tribunal called the Agricultural Lands Tribunal for such area as the Government may, by notification, from time to time specify.

Provided that it shall be lawful for the Government by notification, to confer on any other Tribunal constituted or functioning under any other law for the time being in force, all or any of the powers conferred on a Tribunal by or under this Act and thereupon such other Tribunal shall be deemed to be an Agricultural Lands Tribunal constituted under this sub-section in relation to the said powers, notwithstanding anything inconsistent in such other law.

(2) Save as otherwise provided, the qualifications of the Member or Members constituting the

Tribunal their conditions of service and all other matters relating to the constitution or organisation of the Tribunal shall be such as may be prescribed.

44. Other functions of the Tribunal, etc. — (1) The Mamlatdar, the Tribunal and the Collector shall in addition to the powers and duties conferred upon them by or under the provisions of this Act, perform such other functions in relation to this Act as may be prescribed and shall decide such other matters as may be referred to them by the Government.

(2) The Government may by notification vest any other officer or authority, including a Village Panchayat or Co-operative Society or the Block Development Officer, with any of the powers and duties conferred by or under this Act on the Mamlatdar.

45. Powers of Tribunal. — (1) The Tribunal shall have the same powers in making inquiries under this Act as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908 in trying a suit namely:

- (a) proof of facts by affidavit,
- (b) summoning and enforcing the attendance of any person and examining him on oath;
- (c) compelling the production of documents;
- and
- (d) awarding costs.
- (e) such other powers as may be prescribed.

(2) The orders of the Tribunal shall be given effect to in the manner provided by or under this Act.

46. Procedure. — Save as expressly provided by or under this Act, all inquiries and other proceedings before the Mamlatdar or Tribunal shall be commenced by an application which shall contain the following particulars:

- (a) the name, age, profession and place of residence of the applicant and the opponents;
- (b) a short description and situation of the property of which possession is sought, or the amount of the claim, as the case may be;
- (c) the circumstances out of which the cause of action arose;
- (d) a list of the applicant's documents, if any, and of his witnesses, and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of the hearing; and
- (e) such other particulars as may be prescribed.

47. Power to transfer proceedings. — (1) The Government, or the Collector within the area of his jurisdiction, may after due notice to the parties, by order in writing transfer any proceeding under this Act pending before a Mamlatdar from such Mamlatdar to any other Mamlatdar and the Mamlatdar to whom the proceeding is so transferred shall thereupon exercise jurisdiction under this Act in such proceedings.

(2) The Government may transfer to itself any proceedings pending before a Tribunal or Collector.

48. Execution of order for payment of money for restoring possession. — (1) Any sum the payment of which has been directed by an order of the Mamlatdar or the Tribunal or the Collector, including an order awarding costs, shall be recoverable from

the person ordered to pay the same as in February, 1948, the person ordered to pay the same as committee land revenue; an order of the Mamlatdar, I. C. S., awarding possession or restoration of any land shall be executable in any manner as may be prescribed.

Provided that such recovery shall not be made and such order shall not be executed till the expiry of the period of appeal or, as the case may be, of application for revision as provided in this Act.

(2) An order or decision of the Mamlatdar in execution proceedings subject to appeal, if any, to the Collector, shall be final.

49. Appeals. — (1) From every order other than an interim order passed by the Mamlatdar under this Act, an appeal shall lie to the Collector and the orders of the Collector on such appeal shall be final, subject to revision, if any, by Government.

Provided that in respect of such classes or categories of appeals, as may be prescribed, the appeal shall lie to the Tribunal instead of to the Collector, and thereupon the orders of the Tribunal shall likewise be final.

(2) From every original order other than an interim order or an order in appeal or revision passed by the Collector, or by the Tribunal, an appeal shall lie to the Government and the orders of Government on such appeal shall be final.

50. Revision. — (1) Where no appeal lies under this Act, or none has been filed within the period provided for it, the Collector may, on his own motion or on an application made by an aggrieved person or on a reference made in this behalf by the Government, at any time, call for the record of any inquiry or the proceedings of any Mamlatdar for the purpose of satisfying himself as to the legality or propriety of any order passed by and as to the regularity of the proceedings of such Mamlatdar, and pass such order thereon as he deems fit.

Provided that no such record shall be called for after the expiry of one year from the date of such order and no order of such Mamlatdar shall be modified, annulled or reversed unless opportunity has been given to the interested parties to appear and be heard.

(2) The Government, may, in like circumstances, in like manner and subject to like restrictions exercise the same powers in relation to records or proceedings of the Collector, the Tribunal or any Mamlatdar. Provided that no application for revision of any order passed by a Mamlatdar shall lie to the Government at the instance of an aggrieved person if such person had moved such application before the Collector under subsection (1).

51. Extent of powers in appeal or revision. — (1) The Collector the Tribunal or the Government in appeal or in revision may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as may seem legal and just in accordance with the provision of this Act.

(2) The orders passed in appeal or revision shall be executed in the manner provided for the execution of the orders of the Mamlatdar or the Tribunal under this Act.

52. Limitation and Court fees. — (1) Every appeal or application for revision under this Act shall be

All correspondence subscription of a period of sixty days from the date of its administration to its administration advertised free offered.

Toda a correspondência do Boletim de Imprimação da Imprensa de que se gratuita.

(2) Notwithstanding anything contained in the Court Fees Act, 1870 every appeal or application made under this Act to the Mamlatdar, Tribunal, Collector or the Government shall bear a Court fee stamp of such value as may be prescribed.

53. **Procedure.** — (1) Subject to the other specific provisions in this behalf, the procedure to be followed by the Mamlatdar or the Tribunal or the Collector in all inquiries, appeals and proceedings under this Act and in revisions by the Collector or the Government, shall be such as may be prescribed;

(2) Every decision or order passed under this Act shall be recorded in the form of an order which shall state the reasons therefor.

(3) All inquiries and proceedings before the Mamlatdar, the Tribunal, the Collector and the Government shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

CHAPTER VII

Survey, settlement and records of rights

(2) **Power to make rules for survey, etc.** — (1) It shall be lawful for the Government to take all measures for the survey, classification and assessment of all lands, for the preparation and maintenance of land records, including the record of rights and maps and for all other matters connected therewith or incidental thereto, in accordance with such rules as may be made in this behalf.

(2) Without prejudice to the generality of the foregoing, rules may be made under this Act, for:

- (i) the appointment, powers and functions of revenue officers;
- (ii) the grant, use and relinquishment of unoccupied land;
- (iii) the survey and classification of land and the assessment and settlement of land revenue payable under any law for the time being in force;
- (iv) the settlement of boundaries and the construction and maintenance of boundary marks;
- (v) the preparation and maintenance of records of rights;
- (vi) the realisation of land revenue or other revenue demands; and
- (vii) the procedure to be followed by the revenue officers in enquiries under the rules including provisions for appeals and revision.

(3) Any such rule may be made with retrospective effect from a date not earlier than the 19th December 1961.

CHAPTER VIII

Miscellaneous

55. **Lands held by Comunidades.** — For the removal of doubts it is hereby declared that the provisions of this Act shall apply to lands owned

by Comunidades and the provisions in the Code of Comunidades or any other Decree or other law relating to Comunidades shall stand modified or repealed to the extent necessary.

56. **Exemptions.** — (1) The provisions of this Act shall not apply to lands leased or held by the Government or held by the Government or Co-operative Societies.

(2) The Government may, by notification, exempt any class of persons from the operation of all or any of the provisions of this Act.

(3) In particular, and without prejudice to the generality of subsection (2), the Government may grant such exemption in respect of any land which is the property of a temple, church or mosque or any other institution for public religious worship or of a trust for educational purpose, or hospital, pinjrapole or goshala, provided that the entire income of such land is appropriated for the purpose of such temple, church, mosque, institution, trust, hospital, pinjrapole or goshala.

(4) The Government may, by notification, reserve any area for non-agricultural or industrial development and thereupon the provisions of this Act shall cease to apply in relation to any land in such area.

(5) Any such exemption as is referred to in the preceding sub-sections may be withdrawn by the Government by notification.

57. **Delegation of powers.** — The Government may, by notification, delegate to any officer not below the rank of a Collector, all or any of the powers conferred on Government by or under this Act, subject to such conditions if any, as may be specified in the notification.

58. **Bar of jurisdiction of Courts.** — (1) No suit or other proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

(2) Save as provided in this Act, no Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Mamlatdar, Tribunal, Collector or Government, and no order passed by these authorities under this Act shall be questioned in any Civil or Criminal Court.

59. **Power to give directions.** — The Government shall have power to issue directions or orders to Mamlatdars, Tribunal and Collectors, generally to give effect to the provisions of this Act and the rules made thereunder.

60. **Penalty.** — Whoever contravene any provision of this Act or of any rules made thereunder shall on conviction by a Magistrate be punishable with a fine not exceeding rupees five hundred.

61. **Rules.** — (1) The Government may, by notification, make rules generally to carry out the purposes of this Act.

(2) All rules made under this Act shall be subject to the condition of previous publication and all rules shall be laid on the table of the Legislative Assembly after they are made and shall be subject to such modifications as the Assembly may make during the Session in which they are so laid or the Session immediately following.

62. **Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty.

Financial Memorandum

No financial commitment is involved in this Bill except on the officers and staff to be appointed for the implementation of the provisions of the Act. It is not possible to give any estimate of the actual expenditure on this.

Memorandum of Delegated Legislation

Powers have been given to the Government to make rules on various matters of detail for the proper working of the Act. These Rules will be laid on the Table of this House and will be subject to such modifications etc. as may be made by the House. These provisions are necessary for the proper working of the Act.

Statement of objects and reasons

Among the fruits of liberation the one which was most eagerly looked forward to by the poorer sections of the people of Goa, was a radical reform in agricultural tenancy. The agricultural tenant during the Portuguese regime was the most neglected person and he did not have any rights at all. There was no security of tenure and landlords could evict tenants at their will and pleasure. The tiller of the soil could not put forth his best efforts to secure maximum production because of his instability and this had an adverse effect on agricultural production. Added to this, the rates of rent levied from him were very high and in most cases, crippling. There were no standards or principles for fixing rent and so they varied widely. In respect of lands owned by Comunidades, a system of auction for fixing the rent was adopted whereby the person who gave the highest bid for rent was given the lease of land. Naturally, this had the effect of pushing up the rents to very high levels. Among other evils, these auctions led to widespread practice of subletting and the high rents precluded the tenant from spending on improvements to land or the methods of cultivation, as there was no margin.

Sometime after liberation, on the 24 February, 1963, the Government appointed an expert committee under the chairmanship of Shri A. L. Dias, I. C. S., to study the problem and recommend suitable measures for ensuring security of tenure to the cultivators and reasonable rates of rent, in order to bring about a rapid improvement in the economic condition of the tenants and a high level of efficiency in agricultural production. The report of this committee was presented to the Government on the 29th February, 1964 and thereafter the precise proposals embodied in this Bill have been formulated by the Government with due regard to the recommendations of this Committee and the general interests of the public.

The main provisions contained in the Bill deal with security of tenure and fixation of fair rent. The right of freedom from eviction has been given retrospective effect to the extent mentioned in clauses 4 and 5 of the Bill. Persons who were evicted from land after 1st July, 1962 have the right to be restored to possession as tenants. This is based on the fact that an order was issued by the Government prohibiting eviction of tenants after that date. A qualified right of restitution to possession is also given to tenants who were in possession on the date of liberation, viz., 19th December, 1961. Provisions have been made to regulate the right of resumption of possession by landlord in certain circumstances and to a limited extent. It is proposed to give this right of resumption only from a date after the completion of survey, settlement and the preparation of a record of rights as a clear picture of the ownership of land will be available only thereafter.

All disputes arising between the landlord and tenant in regard to matters covered by the Act will be decided by the Mamlatdar or by the Tribunal constituted under the Act; and adequate safeguards against arbitrary action have been made by providing for appeals and revisions against the decisions of these authorities. This is necessary to save the tenant from the harassment of litigation.

Panjim,
July 24, 1964.

D. B. BANDODKER
Chief Minister

ASSEMBLY HALL
Panjim, July 28, 1964.

S. BALAKRISHNAN
Secretary to the Legislative
Assembly of Goa, Daman
and Diu.